

Strassburger

IN THE COURT OF COMMON PLEAS OF
WASHINGTON COUNTY, PENNSYLVANIA

STACEY HANEY, et al.,

Plaintiffs,

v.

RANGE RESOURCES—APPALACHIA,
LLC, et al.,

Defendants.

CIVIL DIVISION

Docket No. 2012—3534

ENTRY OF OPINION, ORDER, DECREE, 6.4.19
ADJUDICATION OR JUDGMENT FILED 6.4.19
MAILED 6.4.19
TO D. Strassburger ESG

ORDER OF COURT

AND NOW, this 4th day of June, 2019, the matter before the Court is whether the Court's Order of May 30, 2019, enjoining Reid Frazier, WESA, Allegheny Front, and State Impact Pennsylvania from publishing or disseminating the August 30, 2018 Order by the Court which was filed under seal should continue.

The right of the press pursuant to the First Amendment and Article I, Section 7 of the Pennsylvania Constitution must be considered. A prior restraint on the press is only allowed in exceptional circumstances. *See Near v. Minnesota*, 283 U.S. 697 (1931). Once a news organization lawfully obtains truthful information, the press cannot be punished for publishing the information. *See Florida Star v. B.J.F.*, 491 U.S. 524 (1989); *Smith v. Daily Mail Publishing Co.*, 443 U.S. 97 (1979).

The United States Supreme Court has declined to find exceptional circumstances where the United States Government contended that publication of a classified study on United States

war policy would threaten national security, *see N.Y. Times Co. v. United States*, 403 U.S. 713 (1971), and where a rape victim's identity was negligently disclosed to the press, *see Florida Star*, 491 U.S. at 524. Additionally, the U.S. Supreme Court has observed that the press cannot be "prohibited from truthfully publishing information released to the public in official court records." *Ok. Publishing Co. v. District Court*, 430 U.S. 308 (1977) (quotation removed).

Exceptional circumstances are not present here. Mr. Frazier obtained the sealed August 30, 2018 Order lawfully, due to an error of the Prothonotary's Office.

THEREFORE, it is hereby ORDERED and DECREED that the May 30, 2019 Order is vacated and the injunction is dissolved.

BY THE COURT:



The Honorable Katherine B. Emery, P.J.

Kimberly A. Brown, Esq.
Erin McDowell, Esq.
David A. Strassburger, Esq.
Alan S. Miller, Esq.
D. Matthew Jameson, III, Esq.
Frederick N. Frank, Esq.